

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

AARON GRUBBS,)	
)	
Plaintiff,)	
)	
v.)	Case Number 2:05-cv-604-WKW
)	
THE CITY OF EUFAULA, ALABAMA,)	
)	
Defendant.)	

**SUGGESTION OF BANKRUPTCY AND MOTION TO WITHDRAW
MOTION TO AWARD ATTORNEY'S FEES AND EXPENSES**

Defendant the City of Eufaula, Alabama, suggests upon the record the bankruptcy of plaintiff Aaron Grubbs and moves to withdraw its Motion to Award Attorney's Fees and Expenses. (Doc. 34.)

The plaintiff filed a voluntary Chapter 13 bankruptcy petition on August 9, 2005, in the United States Bankruptcy Court for the Middle District of Alabama. (See Bankr. M.D. Ala. case no. 05-11663, Doc. 1.) This is his fourth bankruptcy. (See Bankr. M.D. Ala. case nos. 88-00145, 01-07968, 04-11224, and 05-11663.)

Along with his bankruptcy petition, the plaintiff filed a Statement of Financial Affairs. (See Bankr. M.D. Ala. case no. 05-11663, Doc. 1, Form 7.)

In Item 4 of the statement, the plaintiff concealed this civil lawsuit and a second civil lawsuit, Grubbs v. Town of Louisville (case no. 2:04-cv-1025-MEF), from the bankruptcy court.

Both lawsuits were pending in the United States District Court for the Middle District of Alabama when the plaintiff filed his Statement of Financial

Affairs. (See Bankr. M.D. Ala. case no. 05-11663, Doc. 1, Form 7 at 2.) **The plaintiff filed his Statement of Financial Affairs under penalty of perjury.**¹

(See Bankr. M.D. Ala. case no. 05-11663, Doc. 2.)

The plaintiff apparently allowed both civil cases to proceed to final judgment without notifying the bankruptcy court of their existence, and without giving this Court or the City notice of his pending bankruptcy. Defense counsel learned of the bankruptcy this month. Defense counsel was not aware of the bankruptcy case when he filed the City's Motion to Award Attorney's Fees and Expenses on August 30, 2006.

Because of the automatic stay law, the expense of further litigation, and the remote likelihood for a collection on any award, the City moves to withdraw its Motion to Award Attorney's Fees and Expenses.

/s/ James H. Pike

James H. Pike (PIK003)
Attorney for Defendant
The City of Eufaula, Alabama

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¹ As the Court may recall, the Plaintiff has a documented history of false swearing. He gained his law enforcement certification by swearing falsely on two police academy applications in which he concealed 36 worthless check convictions from the Alabama Peace Officers Standards and Training Commission. (See Doc. 18-1 at 3.)

CERTIFICATE OF SERVICE

I, James H. Pike, certify that on December 22, 2006, I electronically served a copy of the foregoing document on:

Malcolm R. Newman
P.O. Box 6137
Dothan, AL 36302-6137

/s/ James H. Pike

James H. Pike